

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

MICHAEL J. POWERS, et al., )  
Plaintiffs, ) Case No. 4:16-cv-1299  
v. )  
CITY OF FERGUSON, et al. )  
Defendants. )

**DEFENDANT'S MOTION FOR PROTECTIVE ORDER AND  
CERTIFICATION OF ATTEMPT TO RESOLVE**

Defendant City of Ferguson (the “City”), by and through its undersigned counsel, respectfully requests that this Court enter a Protective Order regarding the November 2, 2017 Notice of Deposition served on the City pursuant to Fed. R. Civ. P. 30(b)(6). In support of this Motion, the City states as follows:

1. On November 2, 2017, Plaintiffs served a Notice of Deposition on the City pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure. *See Exhibit A* to the Memorandum in Support of Defendants' Motion for Protective Order ("Memo. in Support"), filed herewith and incorporated herein by reference.

2. Rule 30(b)(6) requires that a notice of deposition directed to a corporation “describe with **reasonable particularity** the matters on which examination is requested” and that the corporation then designate “one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf.” Fed. R. Civ. P. 30(b)(6) (emphasis added).

3. Topics 4, 5, 7, 8, 9, 10, 11, and 12 contained in the Notice of Deposition are improper in that they are overbroad, unduly burdensome, not

proportional to the needs of the case, violate the attorney-client and work product privileges, and are irrelevant to the issues presented in this lawsuit, as established more fully in the City's Memo in Support.

4. Pursuant to Rule 26(c), the City requests that this Court enter an order to protect the City from the undue burden and expense posed by the inappropriate, overbroad, unduly burdensome, non-proportioned, and irrelevant matters set forth in the Notice of Deposition.

5. Counsel for the parties have conferred and corresponded regarding this discovery dispute, but have been unable to resolve it.

WHEREFORE, Defendant City of Ferguson requests that this Court enter a protective order striking Plaintiffs' Notice of Deposition and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

**LEWIS RICE LLC**

By: /s/ Ronald A. Norwood  
Ronald A. Norwood, #33841MO  
Aarnarian D. Carey, #58286MO  
Jacqueline K. Graves, #64875MO  
600 Washington Ave., Suite 2500  
St. Louis, Missouri 63101  
(314) 444-7759 (Telephone)  
(314) 612-7759 (Facsimile)  
[rnorwood@lewisrice.com](mailto:rnorwood@lewisrice.com)  
[acarey@lewisrice.com](mailto:acarey@lewisrice.com)  
[jgraves@lewisrice.com](mailto:jgraves@lewisrice.com)

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 20th day of November, 2017, a true copy hereof was electronically filed with the Clerk of the Court using the CM/ECF system, to be served by operation of the Court's electronic filing system on all counsel of record.

/s/ *Ronald A. Norwood*